



STATE OF WISCONSIN

Senate Journal

Ninety–Fifth Regular Session

10:00 A.M.

TUESDAY, October 16, 2001

The Senate met.

The Senate was called to order by Senator Fred Risser.

The roll was called and the following Senators answered to their names:

Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Absent – None.

Absent with leave – None.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Darling led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION AND REFERENCE OF RESOLUTIONS AND JOINT RESOLUTIONS

Read and referred:

Senate Joint Resolution 47

Relating to: supporting President Bush's efforts to extend unemployment insurance benefits and urging support of a universal extension of unemployment insurance benefits to cover all 50 states and all workers.

By Senators Plache, Baumgart, Breske, Burke, Erpenbach, George, Hansen, Jauch, M. Meyer, Moore, Risser, Robson, Roessler, Shibilski and Wirch; cosponsored by Representatives Krug, Balow, Berceau, Black, Bock, Boyle, Carpenter, Coggs, Colon, Hebl, Huber, Jeskewitz, Kreuser, Krusick, La Fave, J. Lehman, Meyerhofer, Miller, Morris–Tatum, Plale, Plouff, Reynolds, Richards, Ryba, Schooff, Shilling, Sinicki, Staskunas, Sykora, Turner and Ziegelbauer.

To committee on **Labor and Agriculture**.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 280

Relating to: increasing a school district's revenue limit by a portion of the school district's handicapped education costs.

By Senators Plache, Burke, Jauch, Risser, Wirch, Moore, Erpenbach, Grobschmidt and Breske; cosponsored by Representatives Ladwig, Jeskewitz, Sinicki, Bock, La Fave, Shilling, J. Lehman, Ott, Staskunas, Gronemus, Boyle, Turner,

Krawczyk, Black, Pocan, Ryba, Gunderson, Miller, Plouff, Kreuser and Berceau.

To committee on **Education**.

Senate Bill 281

Relating to: eligibility for veterans benefits for those veterans who are involved in Operation Enduring Freedom; the extension or renewal of a license held by a national guard member or member of the U.S. armed forces reserve who is called into active service; college students called to serve in the armed forces; and granting rule-making authority.

By Senators Moen, Risser, Erpenbach, Jauch, Burke, Breske, Plache, Zien, Schultz, Wirch, Shibilski, Decker, Grobschmidt, S. Fitzgerald, Hansen, Harsdorf, Baumgart and George; cosponsored by Representatives Musser, Nass, Ryba, Gronemus, Boyle, Suder, Kestell, Jeskewitz, Plouff, Turner, Albers, La Fave, Sykora, Krawczyk, Pettis, Staskunas, Meyerhofer, Bock, Freese, Petrowski, Grothman, Ladwig, Lassa, Berceau and Urban.

To committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 282

Relating to: creating an individual income tax exemption for pay received from the federal government by members of the armed forces participating in Operation Enduring Freedom and abating interest or penalties due on income tax returns for members of the armed forces who are participating in that operation.

By Senators Moen, Wirch, Plache, Shibilski, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Baumgart and George; cosponsored by Representatives Musser, Bock, Boyle, Nass, Ryba, Albers, Gronemus, Petrowski, Turner, Freese, Grothman, La Fave, Lassa, Berceau and Urban.

To joint survey committee on **Tax Exemptions**.

Senate Bill 283

Relating to: abating interest otherwise due on income tax returns filed under an extension by members of the armed forces who are participating in that operation.

By Senators Moen, Breske, Wirch, Plache, Shibilski, Burke, Decker, Grobschmidt, Hansen, Harsdorf, Baumgart and George; cosponsored by Representatives Musser, Nass, Ryba, La Fave, Hahn, Suder, Pettis, Bock, Freese, Staskunas, Boyle, Turner, Petrowski, Grothman, Albers, Lassa, Berceau and Urban.

To committee on **Health, Utilities, Veterans and Military Affairs**.

REPORT OF COMMITTEES

The joint survey committee on **Retirement Systems** reports and recommends:

Senate Bill 245

Relating to: contribution rates under the Wisconsin retirement system.

The Joint Survey Committee on Retirement Systems find that **Senate Bill 245** is good public policy, and the Committee recommends its passage.

Referred to committee on **Universities, Housing, and Government Operations.**

Robert Wirch
Senate Chairperson

The committee on **Senate Organization** reports and recommends:

Senate Bill 279

Relating to: elimination of legislative partisan caucus staffs.

Passage.

Ayes, 5 – Senators Chvala, Risser, Moen, Panzer and A. Lasee.

Noes, 0 – None.

Charles Chvala
Chairperson

Senator Robson, with unanimous consent, asked that the Senate recess until 3:00 P.M..

10:19 A.M.

RECESS

3:00 P.M.

The Senate reconvened.

Senator Risser in the chair.

Senator Chvala, with unanimous consent, asked that the sixth order of business be taken up before the fifth order business.

ADVICE AND CONSENT OF THE SENATE

Senator Chvala, with unanimous consent, asked that all the executive appointments be taken up en masse except for the appointments of Oscar Herrera and Tommie L. Jones.

BARRY, JONATHAN B., of Mount Horeb, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Read.

HUTCHISON, DAVID E., of Luxemburg, as a member of the Educational Communications Board, to serve for the term ending at the pleasure of the Governor.

Read.

MANTHEI, BARBARA, of West Salem, as a member of the Wisconsin Technical College System Board, to serve for the interim term ending May 1, 2003.

Read.

MCGUIRE, PATRICK E., of Plymouth, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2004.

Read.

MIYAMOTO, DOUGLAS "BUB" M., of La Crosse, as a member of the Lower Wisconsin State Riverway Board, to serve for the term ending May 1, 2004.

Read.

UNDERWOOD, JOAN E., of Plymouth, as a member of the Examining Board of Professional Geologists, Hydrologists and Soil Scientists, to serve for the term ending July 1, 2004.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

HERRERA, OSCAR, of Madison, as Secretary of the Department of Regulation and Licensing, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

JONES, TOMMIE L., of Milwaukee, as a member of the Board of Regents of the University of Wisconsin System, to serve for the term ending May 1, 2003.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

Senator Chvala, with unanimous consent, asked that all appointments by Department of Public Instruction be taken up en masse.

OPPERMAN, DIANE, of Iola, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read.

OTT, MARLENE, of Greendale, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read.

VIECHNICKI, KAREN, of River Falls, as a member of the Professional Standards Council for Teachers, to serve for the term ending July 1, 2002.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 33.

Noes – None.

Absent or not voting – None.

Confirmed.

PETITIONS AND COMMUNICATIONS

State of Wisconsin Ethics Board

October 16, 2001

The Honorable, The Senate:

The following lobbyists have been authorized to act on behalf of the organizations set opposite their names.

For more detailed information about these lobbyists and organizations and a complete list of organizations and people authorized to lobby the 2001 session of the legislature, visit the Ethics Board's web site at <http://ethics.state.wi.us/>

- Barth, Linda **Wisconsin Education Association Council**
- Bentley, Marc S **Wisconsin Diesel Engine Manufacturer & Distributor Association (WDEMDA)**
- Carey, Ray **Coalition for Historic Preservation**
- Matthews, John **Coalition for Historic Preservation**
- Mitchell, Charles **Citizens for a Scenic Wisconsin**
- Rezin, Kathleen **Coalition for Historic Preservation**
- Stenger, Scott **Acros LLC**
- Struhsacker, Debra **Nicolet Minerals Company**
- Walsh, Kenneth **Wisconsin Automatic Fire Sprinkler Coalition**
- Westphal, Jason **State Bar of Wisconsin**

Also available from the Wisconsin Ethics Board are reports identifying the amount and value of time state agencies have spent to affect legislative action and reports of expenditures for lobbying activities filed by organizations that employ lobbyists.

Sincerely,

ROTH JUDD
Director

Senate Bill 55

Relating to: state finances and appropriations, constituting the executive budget act of the 2001 legislature.

Read.

The question was: Shall Item C–26 [Section 395] of **Senate Bill 55** pass notwithstanding the objections of the governor?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passage refused notwithstanding objections of the governor.

REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

Senate Clearinghouse Rule 00–155

Relating to the telecommunications utilities price regulation productivity factor.

Submitted by Public Service Commission.

Report received from Agency, October 12, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 16, 2001.

Senate Clearinghouse Rule 01–073

Relating to operation of the health insurance risk-sharing plan (HIRSP).

Submitted by Department of Health and Family Services.

Report received from Agency, October 15, 2001.

Referred to committee on **Health, Utilities, Veterans and Military Affairs**, October 16, 2001.

The committee on **Labor and Agriculture** reports and recommends:

Senate Clearinghouse Rule 01–044

Relating to fire department safety and health.

No action taken.

David Hansen
Chairperson

CONSIDERATION OF MOTIONS AND RESOLUTIONS

Senator Chvala, with unanimous consent, asked that **Senate Bill 279** be withdrawn and taken up at this time.

Senate Bill 279

Relating to: elimination of legislative partisan caucus staffs.

Read a second time.

Senate amendment 1 to **Senate Bill 279** offered by Senator Lazich.

The question was: Adoption of Senate amendment 1 to **Senate Bill 279**?

POINT OF ORDER

Senator Chvala raised the point of order that Senate amendment 1 was not germane.

Chair rules the point well taken.

Senator Lazich appeals the ruling of the chair

The question was: Shall the decision of the Chair stands as the judgement of the Senate?

The ayes and noes were required and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Shibilski and Wirch – 18.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Rosenzweig, Schultz, Welch and Zien – 15.

Absent or not voting – None.

The decision of the Chair stands as the judgement of the Senate.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 279

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 30; noes, 3; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, Lazich, M. Meyer, Moen, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 30.

Noes – Senators Baumgart, George and Moore – 3.

Absent or not voting – None.

Passed.

Senate Resolution 6

Relating to: the life and public service of Jim Besson, mayor of Greenfield.

Read.

Adopted.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 45

Relating to: dedicating room 412 East of the Wisconsin state capitol as the permanent location and hearing room for the joint committee on finance and honoring 90 years of service by the joint committee on finance.

Read.

Adopted.

Senate Bill 38

Relating to: the speed limit at certain intersections marked with school crossing signs and providing a penalty.

Read a second time.

The question was: Adoption of Senate substitute amendment 1 to **Senate Bill 38**?

Adopted.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 38

Read a third time and passed.

Senate Bill 56

Relating to: following snowplows and providing a penalty.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 56

Read a third time and passed.

Senator Chvala, with unanimous consent, asked that all action be immediately be messaged to the Assembly.

Senate Bill 72

Relating to: authorizing the state superintendent of public instruction to award grants for family involvement in education projects and making appropriations.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 72** be referred to the Joint Committee on **Finance**.

Senate Bill 107

Relating to: membership of the dentistry examining board.

Read a second time.

Senator Chvala, with unanimous consent, asked that **Senate Bill 107** be laid on the table.

Senate Bill 128

Relating to: requiring health insurance policies to cover contraceptive articles and services.

Read a second time.

Ordered to a third reading.

Senator Burke, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 128

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Rosenzweig, Shibilski and Wirch – 18.

Noes – Senators Baumgart, Cowles, Darling, Ellis, S. Fitzgerald, Harsdorf, Huelsman, Kanavas, A. Lasee, Lazich, Panzer, Roessler, Schultz, Welch and Zien – 15.

Absent or not voting – None.

Passed.

Senate Bill 136

Relating to: using accumulated unused sick leave credits and certain health insurance premium credits for the purchase of long-term care insurance for participants under the Wisconsin retirement system.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 136** be referred to the Joint Committee on **Finance**.

Senate Bill 157

Relating to: health insurance coverage of nervous and mental disorders, alcoholism, and other drug abuse problems.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 157

Read a third time.

The ayes and noes were required and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Shibilski and Wirch – 22.

Noes – Senators Breske, Cowles, Darling, Ellis, S. Fitzgerald, Kanavas, A. Lasee, Lazich, Schultz, Welch and Zien – 11.

Absent or not voting – None.

Passed.

Senate Bill 196

Relating to: state fleet management and consideration of vehicle's fuel economy and safety ratings.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 196

Read a third time.

IN THE CHAIR

Senator George

5:10 P.M.

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Decker, Erpenbach, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, M. Meyer, Moen, Moore, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski and Wirch – 23.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Kanavas, A. Lasee, Lazich, Panzer, Welch and Zien – 10.

Absent or not voting – None.

Passed.

Senate Bill 225

Relating to: the authority of certain cities, villages, or towns to regulate the operation of bicycles owned by nonresidents.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 225

Read a third time and passed.

Senate Bill 234

Relating to: extended area telephone service and granting rule-making authority.

Read a second time.

Senator Moen, with unanimous consent, asked that **Senate Bill 234** be referred to committee on **Health, Utilities, Veterans and Military Affairs**.

Senate Bill 240

Relating to: designating STH 122 as the Walt Bresette Memorial Highway.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 240

Read a third time and passed.

Senate Bill 243

Relating to: increasing a school district's revenue limit for the costs of teaching school professional staff how to use digital technology and distance-learning technology.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 243** be referred to the Joint Committee on **Finance**.

Senate Bill 244

Relating to: school district use of educational technology block grants.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 244

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes – Senators Baumgart, Breske, Burke, Chvala, Cowles, Darling, Decker, Ellis, Erpenbach, S. Fitzgerald, George, Grobschmidt, Hansen, Harsdorf, Huelsman, Jauch, Kanavas, A. Lasee, M. Meyer, Moen, Moore, Panzer, Plache, Risser, Robson, Roessler, Rosenzweig, Schultz, Shibilski, Welch, Wirch and Zien – 32.

Noes – Senator Lazich – 1.

Absent or not voting – None.

Passed.

Senate Bill 251

Relating to: various changes to the worker's compensation law.

Read a second time.

Ordered to a third reading.

Senator Chvala, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 251

Read a third time and passed.

Senate Bill 255

Relating to: modifying the manner in which a pupil enrolled in a 4-year-old kindergarten program is counted for state aid.

Read a second time.

Senator Burke, with unanimous consent, asked that **Senate Bill 255** be referred to the Joint Committee on **Finance**.

Senate Bill 259

Relating to: the deadline for filing a tax exemption report in the city of La Crosse by a church or religious association.

Read a second time.

The question was: Adoption of Senate amendment 1 to **Senate Bill 259**?

Adopted.

Ordered to a third reading.

Senator Moen, with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 259

Read a third time and passed.

**ANNOUNCEMENTS, ADJOURNMENT
HONORS, AND REMARKS UNDER
SPECIAL PRIVILEGE**

Senator Juach, with unanimous consent, asked that when the senate adjourn it do so in honor these 13 members of the Ashland fire department: Steve Adamski, Kevin Tamke, Chris Bulovsky, Kevin Alajoki, Tom Tolliver, Dave Robinson, Keith Newago, Karl Kanneberg, Brian Marko, Jim Morzenti, Scott Thimm, Tom Grahek and Keith Tveit.

Senator Chvala, with unanimous consent, asked that all action be immediately messaged to the Assembly.

Senator Rosenzweig, with unanimous consent, asked that when the Senate adjourn it do so in honor of Tommie L. Jones who was just confirmed as a member of the Board of Regents of the University of Wisconsin System.

Senator Roessler, with unanimous consent, asked that when the Senate adjourn it do so in honor of Senator Risser and

former Governor Lee Sherman Dreyfus on having two of the newest state buildings named for them.

Senator Meyer, with unanimous consent, asked that when the Senate adjourn it do so in honor of his new nephew Tedon Zimmerman and his sister and brother-in-law.

Senator Meyer, with unanimous consent, asked that when the Senate adjourn it do so in honor of Jane Kennedy's 60th birthday.

Senator Meyer, with unanimous consent, asked that when the Senate adjourn it do so in honor of Octoberfest in the capitol tomorrow.

ADJOURNMENT

Senator Chvala, with unanimous consent, asked that the Senate adjourn until Thursday, October 18 at 10:00 A.M..

Adjourned.

5:30 P.M.